

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:96-cr-62-4-BO

JOSE PENA-ROSARIO,)
)
 Petitioner,)
)
 v.)
)
UNITED STATES OF AMERICA,)
)
 Respondent.)
)

O R D E R

This matter is before the Court on Petitioner's Motion to Clarify Multiple Sentences of Imprisonment. Petitioner is currently incarcerated at FCI - Fort Dix in Fort Dix, New Jersey. The appropriate jurisdictional basis to challenge prior custody credit is through a petition for writ of habeas corpus under 28 U.S.C. § 2241. *Romandine v. United States*, 206 F.3d 731, 736 (7th Cir. 2000). Such a petition may only be maintained in the district where there is in personam jurisdiction over Petitioner's immediate custodian. *Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004). Here, Petitioner's immediate custodian is the Warden of FCI - Fort Dix in the District of New Jersey. Therefore, the Motion is hereby DISMISSED because this Court lacks jurisdiction.

SO ORDERED.

This 26 day of August, 2010.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE